THE MAHUL CREEK (EXTINGUISHMENT OF RIGHTS) ACT, 1922.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Extinguishment of rights.
3. Compensation to be awarded for loss or damage caused by extinction of rights.

SCHEDULE.

BOMBAY ACT No. IV OF 1922.[1]

[THE MAHUL CREEK (EXTINGUISHMENT OF RIGHTS) ACT, 1922.]

[*20th May 1922.*]

Amended by Bom. 16 of 1927.

WHEREAS it is expedient to facilitate the laying by the Trustees of the Port of Bombay of a new oil pipe line to the oil pier at Trombay;

And whereas for the proper laying and protection of the said pipe line it is necessary to keep the drawbridge now maintained by the Port Trust Railway over the Mahul Creek permanently closed and thus to cut off from access to the sea a portion of the said creek;

And whereas it is therefore necessary to extinguish all [2]* * * rights of navigation in the said creek over and above the site of the said bridge;

5 & 6 Geo. 5, c. 61. And whereas the previous sanction of the Governor-General required by clauses (*e*) and (*f*) of sub-section (*3*) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Mahul Creek (Extinguishment of Rights) Act, 1922.

Extinguishment of rights. **2.** From the first day of June 1922 all [2]* * * rights of navigation in that part of the Mahul Creek which lies over and above or to the north of the drawbridge now to be kept permanently closed by the Trustees of the Port of Bombay, and spanning the said creek at a point specified in the Schedule hereto, shall be extinguished.

Compensation to be awarded for loss or damage caused by extinction of rights. **3.** (*1*) On the passing of this Act, the Collector of Bombay shall commence to take order for the award of compensation for any loss or damage caused to any person by the extinction of such rights, in the same manner, as nearly as may be, as if he had been directed under section 7 of the Land Acquisition Act, 1894, to take order for the acquisition of land.

1 of 1894.

(*2*) Compensation shall be determined and awarded in accordance, as nearly as may be, with the provisions of the Land Acquisition Act, 1894, by the said Collector, or, if his award is not accepted, by the Court.

1 of 1894.

SCHEDULE.

(*See* section 2.)

The site of the drawbridge is about 600 feet, measured along the western edge of the Mahul Creek, to the north of the centre line of the Pakdi Creek, as shown on City Survey Sheet No. 587, and 900 feet measured along the western edge of the Mahul Creek to the south of the centre line of the Chandani Creek, as shown on City Survey Sheet No. 589. It is approximately 730 feet to the east of the old Tower situate near the Laxman Govind Salt Pan Works as shown on City Survey Sheet No. 587.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1922, Part V, page 2.

[2] The words "tidal rights and" were repealed by Bom. 16 of 1927. This repeal shall be deemed to have been made and to have had effect from the date on which Bom. 4 of 1922 came into operation:

Provided that if a claim for compensation for loss of tidal rights has been preferred before the Collector of Bombay and the claim has not been adjudicated upon when this Act comes into force, the time during which the proceedings were pending before the Collector shall be excluded in calculating limitation for any suit that may be filed hereafter for damages for interference with such tidal rights. *See* Bom. 16 of 1927, s. 3.